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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,436	08/22/2005	Sheng Mei Shen	P27680	5271
52123 7590 11/25/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER KIM, HEE SOO	
			ART UNIT 2457	PAPER NUMBER
			NOTIFICATION DATE 11/25/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,436	<b>Applicant(s)</b> SHEN ET AL.	
	<b>Examiner</b> HEE SOO KIM	<b>Art Unit</b> 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is responsive to RCE filed on October 2<sup>nd</sup>, 2008.

Claims 1~5, and 17 have been amended.

Claims 1~19 are presented for examination.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/10/08 has been entered.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1~19 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1~7 and 17~19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopoulos et al. hereinafter Christopoulos (U.S 6,961,754) in view of Vetro (U.S 2003/0156108).

Regarding Claim 1,

Christopoulos taught a data distribution system comprising a first terminal having data and a second terminal, wherein the system distributes data adapting to the second terminal from the first terminal to the second terminal, wherein the first terminal comprises:

a data recorder that records data of a plurality of formats (Col. 3, Ln. 60~66, multimedia objects imported by end-user from the multimedia database stored by a media server).

a data distribution requester that receives a distribution request for data in a format configured for the second terminal and that receives a URL, the URL comprising an address at which only capability information regarding a device property, an audio and video coding method, and an input and output of the second terminal is recorded, the URL being transmitted from the second terminal (Col. 6, Ln. 23~32);

a terminal information acquirer that accesses the location defined by the URL and acquires the capability information of the second terminal from the address identified by the URL (Col. 6, Ln. 32~42);

a data selector that selects data in a format configured for the second terminal on the basis of the acquired capability information of the second terminal (Col. 6, Ln. 32~42); and

a data transmitter that transmits the selected data to the second terminal (Col. 6, Ln. 32~42), and

wherein the second terminal comprises:

a data distribution requestor that requests the first terminal to distribute data configured for the second terminal and that notifies the first terminal of the URL at which the capability information of the second terminal is recorded (Col. 6, Ln. 32~42); and

a data receiver that receives the data from the first terminal (Col. 6, Ln. 54~57).

While Christopoulos taught terminal information describer that describes the capability information of the second terminal, a transmitter that transmits the capability information of the second terminal and a recorder that records the capability information of the second terminal at the URL (Col. 6, Ln. 23~42), however, did not specifically teach describing capability information of the second terminal in tree structure.

In an analogous art, Vetro taught a system and method for adapting a digital item by parsing the digital items into a resource and description of the resource (abstract). Vetro further taught “each of these devices (consumer devices) are capable of generating a description of themselves” by utilizing DOM during the parsing process

[¶48, ¶49]. The DOM is a data structure that defines parent-child relationships of the various fields and values within the document [¶37].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to combine the "references" of Vetro (as well as the other relied upon portions of Vetro) into the teachings of Christopoulos, to allow capability information of the second terminal to be described in tree structure, as it would enhance proper digital item adaptability according to a device's capability thus, providing a better experience to the end-user.

Regarding Claims 6 and 18,

Christopoulos did not specifically teach the information of the second terminal described in tree structure, information related to characteristics of the second terminal, information related to an AV coding capability of the second terminal, and items of information related to a multimedia input/output of the second terminal are branched and described as branch information.

In an analogous art, Vetro taught a system and method for adapting a digital item by parsing the digital items into a resource and description of the resource (abstract). Vetro further taught "each of these devices (consumer devices) are capable of generating a description of themselves" by utilizing DOM during the parsing process [¶48, ¶49]. The DOM is a data structure that defines parent-child relationships of the various fields and values within the document [¶37].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to combine the "references" of Vetro (as well as the other relied upon portions of Vetro) into the teachings of Christopoulos, to allow capability

information of the second terminal to be described in tree structure. See motivation of Claim 1.

Regarding Claim 7,

Christopoulos did not specifically teach selecting some branch information in tree structure of the capability information of the second terminal; and notifying the first terminal of a URL related to the selected branch information to request the first terminal to distribute data to the second terminal.

In an analogous art, Vetro taught a system and method for adapting a digital item by parsing the digital items into a resource and description of the resource (abstract). Vetro further taught "each of these devices (consumer devices) are capable of generating a description of themselves" by utilizing DOM during the parsing process [¶48, ¶49]. The DOM is a data structure that defines parent-child relationships of the various fields and values within the document [¶37].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to combine the "references" of Vetro (as well as the other relied upon portions of Vetro) into the teachings of Christopoulos, to allow capability information of the second terminal to be described in tree structure. See motivation of claim 1.

Regarding Claims 2~5, 17,

The claims are rejected as being similar in scope to claim 1.

Regarding Claim 19,

Christopoulos did not specifically teach selecting data configured for the second terminal on the basis of the acquired information in the first terminal comprises: parsing the capability information of the second terminal described in tree structure and

obtained from the URL; selecting data configured for the second terminal on the basis of branch information described in tree structure and obtained by the parsing.

In an analogous art, Vetro taught a system and method for adapting a digital item by parsing the digital items into a resource and description of the resource (abstract). Vetro further taught “each of these devices (consumer devices) are capable of generating a description of themselves” by utilizing DOM during the parsing process [¶48, ¶49]. The DOM is a data structure that defines parent-child relationships of the various fields and values within the document [¶37].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to combine the "references" of Vetro (as well as the other relied upon portions of Vetro) into the teachings of Christopoulos, to allow capability information of the second terminal to be described in tree structure. See motivation of claim 1.

Claims 8~16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopoulos et al. hereinafter Christopoulos in view of Vetro and further in view of “Official Notice”.

Regarding Claim 8,

The combination of Christopoulos and Vetro fails to specifically teach constructing the second terminal comprises of constructing the second terminal by selecting a CPU, an OS, a memory, an output, and a VM (virtual machine) with respect to general characteristics; constructing the second terminal by selecting USB, BlueTooth, wireless802, and a serial or parallel data I/O (data input/output); constructing



Art Unit: 2457

the second terminal by selecting, as a storage medium, at least one of a MultiMedia card (MMC), a Compact Flash (registered trademark), a Secure Disk (SD), a MemoryStick (MS), a hard disk (HD), a DVD, a VCD, a Zip disk, and a flexible disk; constructing the second terminal by selecting, as a supporting tool, at least one of a global positioning system (GPS), a Browser, Intellectual Property Management and Protection tools (IPMP tools), an RELtool (Rights Expression Language Tool), and a meta data tool; constructing the second terminal according to a predetermined AV decoding format; constructing the second terminal according to a predetermined image format supporting; constructing the second terminal according to a predetermined text format supporting; constructing the second terminal according to a predetermined system format supporting; constructing the second terminal by providing a predetermined audio output for reproducing sound or voice; constructing the second terminal by providing a predetermined video output for displaying a video or an image; and constructing the second terminal by providing a predetermined text output for displaying a text.

Although Christopoulos taught terminal device is for example, a computer or computer based telecommunication device (Col. 6, Ln. 15~21), Examiner takes "Official Notice" that a computer comprises hardware components such as, a CPU, OS, memory (RAM), GPU, Tuner cards, Sound cards, Monitors (LCD) or storage medium (CD-ROM, burners, HDs); which are all generally well-known and expected in the art. Furthermore, the hardware makes up the core functionality of a terminal device with software required

to allow multiple multimedia contents such as images, sounds, and video to be viewed, converted, or acquired.

Regarding Claim 9~16,

The claims are rejected as being similar in scope to claim 8.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEE SOO KIM whose telephone number is (571)270-3229. The examiner can normally be reached on Monday - Thursday 8:00AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. K./  
11/14/08

Application/Control Number: 10/530,436

Page 10

Art Unit: 2457

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457